

**STATE OF CALIFORNIA – DEPARTMENT OF CONSUMER AFFAIRS  
CALIFORNIA ARCHITECTS BOARD**

**INITIAL STATEMENT OF REASONS**

Hearing Date: September 13, 2006

Subject Matter of Proposed Regulations: Rules of Professional Conduct

Section Affected: California Code of Regulations, Title 16, Division 2, section (CCR) 160

**SPECIFIC PURPOSE OF THE REGULATION**

This proposal would retain the Board's existing rules of professional conduct and do the following: 1) add new provision (b)(2) under Willful Misconduct which would require an architect or a candidate for licensure to respond to the Board's requests for information and/or evidence within 30 days whenever the Board is conducting an investigation; 2) add new provision (c)(5) under Conflict of Interest which would require an architect who acts as the interpreter of construction contract documents and the judge of construction contract performance to endeavor to secure faithful performance of all parties and not show partiality to any party; 3) clarify (d)(2) under Full Disclosure to require an architect to respond within 30 days to any request from the Board for information solicited in connection with a candidate's application for licensure, and deletes the requirement to report the candidate's education as an architect cannot attest to a candidate's education; and 4) add new provision (f)(1) under Informed Consent to require that an architect not materially alter the scope or objective of a project without first informing the client and obtaining consent in writing.

The specific purpose of this proposal is to improve the effectiveness of the Board's enforcement efforts, which would, in turn, benefit the public. In addition, this proposal adds clarifying language to other rules of professional conduct.

**FACTUAL BASIS**

Protection of the health, safety and welfare of California consumers is the Board's highest priority. To ensure such protection, the Board is mandated to investigate complaints against persons that are licensed by the Board or unlicensed persons that are subject to its jurisdiction.

The Board's 2003 and 2004 Strategic Plans directed its Regulatory and Enforcement Committee (REC) to review the Board's rules of professional conduct for architects and propose additional rules or modifications, if necessary. As a result of the review process, the REC identified three new rules of professional conduct and clarifications that could help improve the effectiveness of the Board's enforcement efforts and benefit the public.

#### UNDERLYING DATA

None

#### BUSINESS IMPACT

This regulation will not have a significant adverse economic impact on businesses. This initial determination is based on the following facts or evidence/documents/testimony:

The proposed regulation sets forth, by regulation, the Board's amended rules of professional conduct for architects.

#### SPECIFIC TECHNOLOGIES OR EQUIPMENT

This regulation does not mandate the use of specific technologies or equipment.

#### CONSIDERATION OF ALTERNATIVES

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.